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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,926	03/11/2005	Dae-Hwan Kim	1592-4043	8948
27123 7590 01/23/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER				
HAWK, NOAH CHANDLER				
ART UNIT		PAPER NUMBER		
3636				
NOTIFICATION DATE		DELIVERY MODE		
01/23/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOPatentCommunications@Morganfinnegan.com

Shopkins@Morganfinnegan.com

jmedina@Morganfinnegan.com

Office Action Summary

Application No.

10/500,926

Applicant(s)

KIM, DAE-HWAN

Examiner

NOAH C. HAWK

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5 and 7-15 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 4, 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lynch in US Patent 5421356 in view of Jang '040, Carter in US Patent 6138702 and Carter in US Patent 6240940. Lynch teaches a canopy comprising a plurality of pillars (24) an end connection block (60), a slide connection block (62), a plurality of roof edge frames (29), a plurality of roof center frames (52), a rod connection block (64), an upper head connection block (66), a lower head connection block (67) and a roof cloth (22). Lynch fails to teach a connection block including a corner reinforcement bar. Jang '040 teaches a canopy framework having a corner reinforcement bar (30) hinge coupled between a roof end connection block (60) and an upper head connection block (50). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Lynch by adding a corner reinforcement bar as taught by Jang '040 in order to provide support for the cover along the diagonal corners of the framework and increase the interior space of the canopy. Lynch, as modified, fails to teach details of the roof center frame rods. Carter '702 teaches a canopy structure wherein the first rod (100) of the roof center frame is longer than the second rod (92) of the roof center

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frame. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Lynch, as modified, by using a longer first rod than second rod in order to increase the space under the roof of the canopy. Lynch, as modified, fails to teach that the second rod of the roof edge frame is longer than the first rod of the roof edge frame. Carter '940 appears to teach a canopy having a first (54) and a second (66) roof edge frame rods, the second being longer than the first (the drawings appear to depict longer second legs). Because the legs appear to be longer, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Lynch, as modified, by using a second roof edge frame rod that is longer than the first in order to allow the pillars to assume an angled stance, thereby providing a more stable platform for the canopy. Lynch, as modified, teaches that the canopy has a pyramid type roof (insofar as is defined by the applicant in Figure 3a).

Allowable Subject Matter

3. Claims 3, 5, and 7-15 are allowed.
4. Claims 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 10/23/07 have been fully considered but they are not persuasive.

6. In response to the applicant's arguments with respect to Carter '940: Carter appears to depict that the second rod is longer than the first in addition to the fact that the lower bracket is longer. The fact that Carter suggests the use of a longer second rod would render it obvious to one of ordinary skill to use such a rod in order to present a more stable canopy with splayed-out legs.
7. With respect to the addition of the "or multiple peak roofs including" to the list of roofs types: a teaching of any of the roof types presented is considered sufficient to meet the requirements of the claim. As stated above, Lynch, as modified, teaches a pyramid-type roof. By presenting these types in a list, the applicant has made them patentably equivalent.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOAH C. HAWK whose telephone number is (571)272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. C. H./
Examiner, Art Unit 3636
1/14/08

/David Dunn/
Supervisory Patent Examiner, Art Unit 3636